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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,936	08/21/2003	Daisuke Shinohara	NIT-391	7378

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MATTINGLY, STANGER & MALUR, P.C.  
1800 DIAGONAL ROAD, SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

SERRAO, RANODHI N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/644,936

Applicant(s)

SHINOHARA ET AL.

Examiner

Ranodhi Serrao

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-5,7-9,11,12,14,16-18 and 20-25.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached Response to Arguments.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
RANODHI SERRAO  
SUPERVISORY INVENTOR EXAMINER

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 23 February 2006 have been fully considered but they are not persuasive.
2. On page 2 of remarks, the applicant states that claims 1, 3-5, 7-9, 11-12, 14, 16-18, and 20-25 stand rejected under 35 U.S.C. 102(e). However this is incorrect since the above mentioned claims stand rejected under 35 U.S.C. 103(a). The applicant states that the claims stand being rejected as being unpatentable over Bobde et al. (U.S. Appl. Pub. No. 20030217009). However this application number is incorrect. The correct U.S. application number for this reference is 2003/0217099.
3. The applicant goes on to argue that although there is a hierarchical relationship between the service processors 115 and 130, there is not a hierarchical relationship between two resources. The examiner points to ¶ 25, wherein Trinon states, "The present invention may also include other features which enable the storage and the maintenance of Dependency object definitions in a processor with each object of such type characterizing the relationship between (a) a resource stored in the same processor and known as the 'master resource;' and (b) another resource stored in the same processor or in remote one and known as the 'dependent resource.'" Therefore, Trinon teaches the invention as claimed.
4. Furthermore, the applicant argued that Bobde fails to disclose a first service providing means, a second service providing means, a service disclosing means and a service utilizing means. In ¶ 24, Bobde teaches a first service providing means and a

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service disclosing means: a server providing presence information; a second service

providing means: a second computing device which operates as a watcher; and a

service utilizing means: a first computing device, which is registered with the server.

Therefore Bodbe teaches the invention as claimed.

5. Moreover the applicant argued that Bobde fails to teach a service utilizing means issues an inquiry to a service disclosing means, and the service disclosing means sends back to the service utilizing means a location of the first service providing means being under disclosure to the service utilizing means. The examiner points ¶ 29 wherein Bodbe discloses a user sending a request to a server to determine which devices have attempted to monitor its presence. The server replies with a list of the subscribers and their corresponding network address information.

6. The applicant argued that Bobde fails to teach the first service providing means receives the service request that requests the second service providing means to provide a service in response to the service request even though the location of the second service providing means is under non-disclosure to the service utilizing means. In ¶ 27, the server receives a request from a user who may not have access rights to the information requested, that is under non-disclosure to the user. The presence information serves the function of the location of the second service providing means. The applicant also argued that Bobde does not disclose that the server gains the requested information from other means under non-disclosure to answer the request from a first means. However this is incorrect since the server gains the requested information from other means, that is, from the first user or the ACL and gives

permission to the second user which can function as a first means. The ACL provides information about non-disclosure. Therefore Bobde teaches the invention as claimed.

7. The examiner points out that the pending claims must be “given the broadest reasonable interpretation consistent with the specification” [In re Prater, 162 USPQ 541 (CCPA 1969)] and “consistent with the interpretation that those skilled in the art would reach” [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)]. In conclusion, upon taking the broadest reasonable interpretation of the claims, the cited references teach all of the claimed limitations. And the rejections are reaffirmed. See below.

### ***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1, 3-5, 7-9, 11-12, 14, 16-18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde et al. (U.S. Application Pub. No. 2003/0217099 – hereafter “Bobde”) and Triron et al. (U.S. Application Pub. No. 2002/0138571 – hereafter “Triron”).

10. As per claim 1, Bobde teaches a service disclosing and providing method implemented in a case where first service providing means and second service providing means located on a network have a dependent relationship (see Bobde, paragraph 0024), said method comprising the steps of: responsive to an inquiry issued from service utilizing means (see Bobde, paragraph 0050), sending by a service disclosing means a location of said first service providing means being under disclosure

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to said service utilizing means (see Bobde, paragraph 0050); receiving by said first service providing means a service request sent from said service utilizing means to request said second service providing means to provide said second service by using a location of said second service providing means being under non-disclosure (see Bobde, paragraph 0056); and sending back by said second service providing means the requested information to said service utilizing means via said first service providing means (see Bobde, paragraph 0026), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Triron teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Triron, ¶ 25), and a second service of a level lower than the first service is provided by a second service providing means (see Triron, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Triron, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said

first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Triron, ¶ 13).

11. As per claim 3, Bobde and Triron teach a service disclosing and providing method, wherein said service request is respective pieces of information that a plurality of said second service providing means send back, and said first service providing means aggregates the respective pieces of information that said second service providing means send back (see Bobde, paragraph 0040), and responds to said service utilizing means (see Bobde, paragraph 0038).

12. As per claim 4, Bobde teaches a service disclosing and providing method implemented in a case where first service providing means and second service providing means located on a network have a dependent relationship, said method comprising the steps of: requesting by a service utilizing means said first service providing means to provide the first service by using a location of said first service providing means being under disclosure (see Bobde, paragraph 0024); accepting by said first service providing means a service request sent from said service utilizing means to request said second service providing means to provide the second service by using a location of said second service providing means being under non-disclosure (see Bobde, paragraph 0029); and sending back by said second service providing means the requested information to said service utilizing means via said first service

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providing means (see Bobde, paragraph 0029), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level lower than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

13. As per claim 5, Bobde and Trignon teach a service disclosing and providing method, wherein said first service providing means controls a user's right accessing said second service providing means, the user relating to said service utilizing means (see Bobde, paragraph 0027).

14. As per claim 7, Bobde and Trignon teach a service disclosing and providing method, wherein said service request is respective pieces of information that a plurality of said second service providing means send back, and said first service providing means aggregates the respective pieces of information that said second service providing means send back (see Bobde, paragraph 0040), and responds to said service utilizing means (see Bobde, paragraph 0038).

15. As per claim 8, Bobde teaches a service disclosing and providing method implemented in a case where first service providing means and second service providing means located on a network have a dependent relationship, said method comprising the steps of: accepting by said first service providing means a service request sent from a service utilizing means and issued by using a location of said first service providing means being under disclosure to request said second service providing means to provide the second service by using a location of said second service providing means being under non-disclosure; and sending back by said second service providing means the requested information to said service utilizing means via said first service providing means (see Bobde, paragraph 0029), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047).

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But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level lower than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

16. As per claim 9, Bobde and Trinon teach a service disclosing and providing method, wherein said first service providing means controls a user's right accessing said second service providing means, the user relating to said service utilizing means (see Bobde, paragraph 0027).

17. As per claim 11, Bobde et al. teaches a first service providing program for, in a case where said first service providing program and a second service providing program located on a network have a dependent relationship (see Bobde, paragraph 0024), causing one or more computers to realize a function of accepting a service request sent from a service utilizing device (see Bobde, paragraph 0029) and issued using a location of said first service providing program being under disclosure (see Bobde, paragraph 0024), and a function of requesting said second service providing program to provide the second service by using a location of said second service providing program being under non-disclosure (see Bobde, paragraph 0056); and said second service providing program for, in said case, causing the one or more computers to realize a function of sending back requested information to the service utilizing device via said first service providing program (see Bobde, paragraph 0047), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level lower than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing

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means being located on a network and having a dependent relationship (see Trignon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trignon, ¶ 13).

18. As per claim 12, Bobde and Trignon teach a first service providing program, wherein said first service providing program causes said one or more computers to further realize a function of controlling a user's right accessing said second service providing program, the user relating to said service utilizing device (see Bobde, paragraph 0027).

19. As per claim 14, Bobde teaches a program product comprising: a service disclosing program for, in a case where a first service providing program and a second service providing program located on a network have a dependent relationship (see Bobde, paragraph 0024), causing one or more computers to realize a function of sending back a location of said first service providing program being under disclosure to a service utilizing device in response to an inquiry sent from said service utilizing device (see Bobde, paragraph 0029); said first service providing program for, in said case,

causing said one or more computers to realize a function of accepting a service request issued from said service utilizing device, and a function of requesting said second service providing program to provide the second service by using a location of said second service providing program being under non-disclosure (see Bobde, paragraph 0029); and said second service providing program for, in said case, causing said one or more computers to realize a function of sending back requested information to said service utilizing device via said first service providing program (see Bobde, paragraph 0027), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level lower than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided

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by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Triron, ¶ 13).

20. As per claim 16, Bobde and Triron teach a program product, wherein said service request is respective pieces of information that a plurality of said second service providing programs send back (see Bobde, paragraph 0040), and said first service providing program causes said one or more computers to realize a function of aggregating the respective pieces of information that said second service programs send back, and responding to said service utilizing device (see Bobde, paragraph 0038).

21. As per claim 17, Bobde teaches a program product comprising: a first service providing program for, in a case where said first service providing program and a second service providing program located on a network have a dependent relationship (see Bobde, paragraph 0024), causing one or more computers to realize a function of accepting a service request sent from a service utilizing device and issued using a location of said first service providing program being under disclosure (see Bobde, paragraph 0029), and a function of requesting said second service providing program to provide the second services by using a location of said second service providing program being under non-disclosure (see Bobde, paragraph 0029); and said second

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service providing program for, in said case, causing said one or more computers to realize a function of sending back requested information to said service utilizing device via said first service providing program (see Bobde, paragraph 0027). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Triron teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Triron, ¶ 25), and a second service of a level lower than the first service is provided by a second service providing means (see Triron, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Triron, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level lower than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Triron, ¶ 13).

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22. As per claim 18, Bobde and Triron teach a program product, wherein said first service providing program causes said one or more computers to realize a function of controlling an access right to said second service providing program by a user related to said service utilizing device (see Bobde, paragraph 0027).

23. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde and Triron. Bobde and Triron teach the mentioned limitations of claims 1, 4, 8, 11, 14, and 17 above but Bobde fails to teach a service disclosing and providing method, wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services, and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means. However, Triron teaches a service disclosing and providing method, wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services (see Triron, ¶ 117), and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means (see Triron, ¶ 104). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to a service disclosing and providing method, wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services, and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means in order to create a system architecture and a

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method for management using a cellular architecture to allow multi-tier management of events such as the managing of the actual impact or the potential impact of IT infrastructure situations on business services (see Trinon, abstract).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

